

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated December 8, 2009 has been received and its contents carefully reviewed.

Claims 1, 16, 33, 44, 45 and 50 are hereby amended. Accordingly, claims 1-62 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, claims 1-3, 10-18, 25-32, 40-43, and 50-62 are rejected under 5 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,755,068 to Ormiston (“Ormiston”). Claims 4-7, 19-23 and 33-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ormiston in view of U.S. Patent No. 1,854,933 to Hartman et al. (“Hartman”). These rejections are respectfully traversed and reconsideration is requested.

The rejection of claims 1-15 is respectfully traversed and reconsideration is requested. Claims 1-15 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “a plurality of sides defining a perimeter having a recessed surface in predetermined locations . . . wherein elements of at least one bulk pattern and elements of an edge pattern adjacent the at least one bulk pattern correspond in location and orientation to form a substantially continuous pattern across the bulk pattern and the edge pattern adjacent the at least one bulk pattern, wherein surfaces of the perimeter corresponding to the substantially continuous pattern are not recessed.” None of the cited references including Ormiston, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submits that claim 1 and claims 2-15, which depend from claim 1, are allowable over the cited references.

The rejection of claims 16-32 is respectfully traversed and reconsideration is requested. Claims 16-32 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “a plurality of sides defining a perimeter having a recessed surface in predetermined locations . . . wherein elements of the edge patterns of two of the at least two planks correspond with each other in location and orientation

to form a substantially continuous pattern crossing the two of the at least two planks, and wherein the bulk pattern in a first of the at least two planks and the bulk pattern in the second of the at least two planks are different, wherein surfaces of the perimeter corresponding to the substantially continuous pattern are not recessed.” None of the cited references including Ormiston, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submits that claim 16 and claims 17-32, which depend from claim 16, are allowable over the cited references.

The rejection of claims 50 is respectfully traversed and reconsideration is requested. Claims 50-62 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “a plurality of unitary flooring panels including at least a first, second, and third unitary flooring planks . . . a portion of the perimeter of each respective plank being recessed where patterns of adjacent planks are continuous and a portion of the perimeter of each respective plank where patterns of adjacent planks are discontinuous.” None of the cited references including Ormiston, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submits that claim 50 and claims 51-62, which depend from claim 50, are allowable over the cited references.

The rejection of claims 33-43 is respectfully traversed and reconsideration is requested. Claims 33-43 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “a surface of the unitary flooring panel having thereon a decorative motif embossed in registration with a surface texture having an upper level and a lower level . . . wherein an upper level of at least a portion of the edge pattern is substantially coplanar with the bulk pattern such that the perimeter is not recessed and wherein a portion of the perimeter is recessed.” None of the cited references including Ormiston and Hartman, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submits that claim 33 and claims 34-43, which depend from claim 33, are allowable over the cited references.

The rejection of claims 44-49 is respectfully traversed and reconsideration is requested. Claims 44-49 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “a first unitary flooring plank . . .

wherein an edge pattern on an edge of the second row adjacent the first short side and an edge pattern along an edge of the second row adjacent the second short side are the same as each other and are continuous; and wherein a perimeter of the edge patterns of the second row of the first unitary plank is not recessed" None of the cited references including Ormiston and Hartman, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submits that claim 44 and claims 45-49, which depend from claim 44, are allowable over the cited references.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,


By _____

Rebecca G. Rudich

Registration No.: 41,786
McKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant